

REMARKS

Preliminary Matters

This application contains claims 1-84. Claims 32-46, 83 and 84 have been allowed. Reconsideration is respectfully requested with regard to the rejected claims.

Rejections Under 35 U.S.C. § 101

Claims 17-31 and 59-70 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter, because the specification as filed defined computer readable media as including a transmission medium. Applicant has amended the specification in order to correct the definition. Therefore, all the claims in this application are now believed to meet the requirements of 35 U.S.C. § 101.

Rejections Under 35 U.S.C. § 103

Claims 1-6, 11-21, 25-27, 29, 47-54, 56, 59-66, 68, 71-78 and 80 were rejected under 35 U.S.C. 103(a) over the document Network Working Group/NWG, "A Framework for IP over Resilient Packet Rings," June 2001, in view of Akaba *et al.*, U.S. Patent Application Publication No. 2005/0249233 (Akaba) and Zelig *et al.*, U.S. Patent Application Publication No. 2006/0109802 (Zelig). Applicant respectfully traverses this rejection.

Zelig was filed November 19, 2004. The present patent application was filed March 29, 2004, prior to the filing date of Zelig. Therefore, Zelig is inapplicable as prior art against the present patent application. (Applicant further notes that Zelig and the present patent application are commonly assigned, so that even if the filing dates were reversed, Zelig would be inapplicable as prior art under 35 U.S.C. 103(c).) Furthermore, Akaba was filed in the USPTO on February 7, 2005, which is likewise later

than the filing date of the present patent application. Akaba is applicable as prior art under 35 U.S.C. 102(e) only as of its actual U.S. filing date, since its priority application PCT/JP03/00274 is not in English. Akaba's PCT application published (in Japanese) as WO 2004/064335 on July 29, 2004, also after the filing date of the present patent application. Therefore, both Akaba's U.S. patent application and his PCT application are inapplicable as prior art against the present patent application.

Therefore, claims 1-6, 11-21, 25-27, 29, 47-54, 56, 59-66, 68, 71-78 and 80 are patentable over the cited art.

Objections to the Claims

Claims 7-10, 22-24, 28, 30, 31, 55, 57, 58, 67, 69, 70, 79, 81 and 82 were deemed to recite allowable subject matter but were objected to for depending from objected claims. In view of the patentability of the independent claims in this application, Applicant believes the objections to claims 7-10, 22-24, 28, 30, 31, 55, 57, 58, 67, 69, 70, 79, 81 and 82 should be withdrawn.

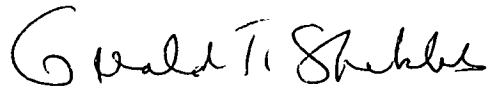
Concluding Matters

Applicant hereby requests reconsideration and reexamination thereof.

With the above amendments and remarks, this application is considered ready for allowance and applicant earnestly solicits an early notice of same. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he/she is respectfully requested to call the undersigned at the below listed number.

US 10/812,231

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald T. Shekleton". The signature is fluid and cursive, with the first name "Gerald" being more prominent.

Dated: 1 August 2008

Gerald T Shekleton

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